

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 11, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

MAUI

Issuance of Revocable Permit to Beach Games Spectacular, Inc. dba BGS Incentive Activities for Sand Sculpture Contest at Wailea Beach, Maui, Tax Map Key: (2) 2-1-23:seaward of 7.

APPLICANT:

Beach Games Spectacular, Inc. dba BGS Incentive Activities whose business and mailing address is Box 6044, Kamuela, Hawaii 96743.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wailea, Maui, identified as seaward of tax map key:(2) 2-1-023: seaward of 7, as shown on the attached Exhibit A.

AREA:

2,000 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Sand Sculpture Contest.

TERM:

From 7:00 am to 12:00 noon on April 17, 2010

RENTAL:

\$200.00 (Rental will be based on 10¢ per square feet per day.)

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for beach activities in the past.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

No comments were solicited from government or community agencies.

BGS Incentive Activities is requesting a right-of-entry permit for the Walters K. Tax group. The Sand Sculpture Contest is scheduled for April 17, 2010 from 7:00 am to 12:00 noon. There will be 160 participants. There will be other activities offered during this time on Grand Wailea's property. Set-up will be at 7:00 am and break down by 12:00 noon.

The proposed activity is of a similar type and scope of beach activities that historically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board


1. Authorize the issuance of a revocable permit to Beach Games Spectacular, Inc. dba BGS Incentive Activities covering the subject area for Sand Sculpture Contest purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



April 17, 2010
 Sand Sculpture Contest
 Tax Map Key: (2) 2-1-23: Seaward of 7

